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## UNITED STATES PATENT &amp; TRADEMARK OFFICE

FACSIMILE COVER SHEET

Date: May 12, 2005

Fax Number:.....1-703-872-9306

No. Of Pages (including cover sheet).....17

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MESSAGE : Attn: Examiner: Brian A. Whiteman

Group Art Unit: 1635

PTO Phone Number: 571.272.0595

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Serial No. 09/801,371 is being facsimile transmitted to the Patent and Trademark Office on the date indicated below.

Lisa B. Kole35,225

PTO Reg. No.

Signature

May 12, 2005

Date

(TO BE COMPLETED IN DUPLICATE)

File Number: A34084-PCT-USA-A (06603|0147)

NY02:519666.1

PTO/SB/21 (08-04)

Approved for use through 07/31/2006. OMB 0561-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL  
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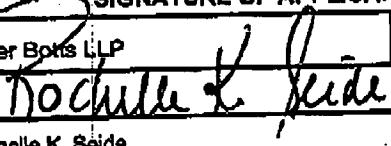
Total Number of Pages in This Submission

|                        |                              |
|------------------------|------------------------------|
| Application Number     | 10/801,371                   |
| Filing Date            | March 7, 2001                |
| First Named Inventor   | Kaempfer                     |
| Art Unit               | 1635                         |
| Examiner Name          | Whiteman, Brian              |
| Attorney Docket Number | A34084-PCT-USA-A 068031.0147 |

## ENCLOSURES (Check all that apply)

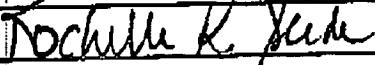
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|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form   | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC   |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                        |
| <input checked="" type="checkbox"/> Amendment/Reply  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)                    |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)   | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request   | <input type="checkbox"/> Change of Correspondence Address                 | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>return receipt postcard |
| <input type="checkbox"/> Express Abandonment Request   | <input type="checkbox"/> Terminal Disclaimer                              |  |
| <input type="checkbox"/> Information Disclosure Statement  | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                    | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application                            | <input type="checkbox"/> Landscape Table on CD                            |  |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Remarks  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |   |              |        |
|--------------|---|--------------|--------|
| Firm Name    | Baker Botts LLP   | Customer No. | 21003  |
| Signature    |  |              |        |
| Printed name | Rochelle K. Seide   |              |        |
| Date         | 01/26/2005  | Reg. No.     | 32,300 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |   |      |            |
|-----------------------|---|------|------------|
| Signature             |  | Date | 01/26/2005 |
| Typed or printed name | Rochelle K. Seide   |      |            |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/8517 (10-04)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0)

## Complete If Known

|                      |                              |
|----------------------|------------------------------|
| Application Number   | 10/801,371                   |
| Filing Date          | March 7, 2001                |
| First Named Inventor | Kaempfer                     |
| Examiner Name        | Whiteman, Brian              |
| Art Unit             | 1635                         |
| Attorney Docket No.  | A34084-PCT-USA-A 066031.0147 |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code | Small Entity Fee Code | Fee Description        | Fee Paid |
|-----------------------|-----------------------|------------------------|----------|
| 1001                  | 2001                  | Utility filing fee     |          |
| 1002                  | 2002                  | Design filing fee      |          |
| 1003                  | 2003                  | Plant filing fee       |          |
| 1004                  | 2004                  | Reissue filing fee     |          |
| 1005                  | 2005                  | Provisional filing fee |          |
| SUBTOTAL (1) (\$ 0)   |                       |                        |          |

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    | -20          | =              |          |
|              |                    |                    | -3           | =              |          |
|              |                    |                    |              |                | 0        |

| Large Entity Fee Code | Small Entity Fee Code | Fee Description  |
|-----------------------|-----------------------|--|
| 1202                  | 2202                  | Claims in excess of 20                                     |
| 1201                  | 2201                  | Independent claims in excess of 3                          |
| 1203                  | 2203                  | Multiple dependent claim, if not paid                      |
| 1204                  | 2204                  | ** Reissue independent claims over original patent         |
| 1205                  | 2205                  | ** Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$ 0)   |                       |  |

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code                         | Fee Code | Fee Description  | Fee Paid |
|----------------------------------|----------|--|----------|
| 1051                             | 2051     | Surcharge - late filing fee or oath  |          |
| 1052                             | 2052     | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053                             | 1053     | Non-English specification  |          |
| 1812                             | 1812     | For filing a request for ex parte reexamination                            |          |
| 1804                             | 1804     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805                             | 1805     | Requesting publication of SIR after Examiner action                        |          |
| 1251                             | 2251     | Extension for reply within first month                                     |          |
| 1252                             | 2252     | Extension for reply within second month                                    |          |
| 1253                             | 2253     | Extension for reply within third month                                     |          |
| 1254                             | 2254     | Extension for reply within fourth month                                    |          |
| 1255                             | 2255     | Extension for reply within fifth month                                     |          |
| 1401                             | 2401     | Notice of Appeal   |          |
| 1402                             | 2402     | Filing a brief in support of an appeal                                     |          |
| 1403                             | 2403     | Request for oral hearing   |          |
| 1451                             | 1451     | Petition to institute a public use proceeding                              |          |
| 1452                             | 2452     | Petition to revive - unavoidable   |          |
| 1453                             | 2453     | Petition to revive - unintentional   |          |
| 1501                             | 2501     | Utility issue fee (or release)   |          |
| 1502                             | 2502     | Design issue fee   |          |
| 1503                             | 2503     | Plant issue fee  |          |
| 1480                             | 1480     | Petitions to the Commissioner  |          |
| 1807                             | 1807     | Processing fee under 37 CFR 1.17(q)  |          |
| 1808                             | 1808     | Submission of Information Disclosure Stmt                                  |          |
| 8021                             | 8021     | Recording each patent assignment per property (times number of properties) |          |
| 1809                             | 2809     | Filing a submission after final rejection (37 CFR 1.128(a))                |          |
| 1810                             | 2810     | For each additional invention to be examined (37 CFR 1.128(b))             |          |
| 1801                             | 2501     | Request for Continued Examination (RCE)                                    |          |
| 1802                             | 1802     | Request for expedited examination of a design application                  |          |
| Other fee (specify)              |          |  |          |
| Reduced by Basic Filing Fee Paid |          | SUBTOTAL (3) (\$ 0)  |          |

(Complete if applicable)

| Submitted By | Name (Print/Type)  | Registration No. (Attorney/Agent) | Telephone    | Date       |
|--------------|--------------------|-----------------------------------|--------------|------------|
| Signature    | Rochelle K. Selsky | 32,300                            | 212-408-2500 | 01/26/2005 |

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PAGE 3/16 \* RCVD AT 5/12/2005 12:05:54 PM (Eastern Daylight Time) \* SVR:USPTO-EFXRF-1/3 \* DNIS:8729306 \* CSID:2124082501 \* DURATION (mm:ss):04:58

FILE NO. A34084-PCT-USA-A/066031.0147  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kaempfer et al.  
Serial No. : 09/801,371      Examiner : Whiteman, Brian A.  
Filed : March 7, 2001      Group Art Unit: 1635  
For : REGULATION OF GENE EXPRESSION THROUGH  
MANIPULATION OF mRNA SPLICING AND ITS USES

## AMENDMENT

I hereby certify that this paper is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

January 26, 2005

Date of Deposit

Rochelle K. Seide

Attorney Name

32,300

Registration No.

Rochelle K. Seide

Signature

January 26, 2005

Date of Signature

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Office Action dated October 27, 2004.  
Applicants respectfully request reconsideration of the above-identified application in light of the  
amendments and remarks presented herein.

Amendments to the Claims are reflected in the listing of claims which begins on  
page 2 of this paper.

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NY02:510608.1